REGD. GOA - 5

Panaji, 19th March, 1982 (Phalguna 28, 1903)

SERIES I No. 51

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Revenue Department

Notification

13/29/81-RD

In exercise of the powers conferred by section 3 of the Goa, Daman and Diu Comunidades Employees (Conditions of Service) Act, 1981 (Act of 1981) the Administrator of Goa, Daman and Diu hereby makes the following rules, namely: —

1. Short title, extent and commencement. — (1) These rules may be called the Goa, Daman and Diu Comunidades Employees (Conditions of Service) Rules, 1982.

(2) They shall be deemed to have come into force with effect from the "appointed day".

2. Definitions. — (1) In these rules, unless the context otherwise requires —

(i) "Central Rules" means the rules relating to the conditions of service applicable to the persons appointed to the Central Civil Services and posts.

(ii) "existing pay" means the pay admissible to the Comunidade employees as basic pay immediately before the appointed day.

(iii) "revised scale" means the scale of pay of a post as shown in column 7 of the Schedule.

(iv) "Schedule" means the Schedule to these rules.

(2) The words and expressions used, but not defined, in these rules shall have the meaning assigned to them in the Act.

3. Redesignation of posts and revision of pay. — As from the appointed day, the posts shown in column 2 of the Schedule shall be redesignated as shown in the corresponding entry in column 3 of the Schedule and the existing pay, shown in column no. 4 shall be revised to that shown in column no. 7.

4. Fixation of pay in the revised scale. — (1) The initial pay of an employee shall, as and from the appointed day, be fixed in the revised scale of pay of the post already held by him at a stage next higher to the existing pay.

Provided that if the existing pay of an employee exceeds the maximum of the revised scale of pay, the initial pay of such employee shall be fixed at such maximum and the difference between the two shall be granted to him as personal pay.

Explanation. — For the purpose of this sub-rule a person, who would have held a post on the appointed day but for his being —

(i) on leave or

(ii) under suspension.

shall be deemed to be an employee.

(2) The personal pay granted under sub-rule (1) shall continue to be drawn subject to its being absorbed against future increases in pay, such as those accruing as a result of increment, promotions, or grant of special pay.

5. Leave. — (1) As from the appointed day, an employee shall be governed by the Revised Leave Rules, 1972 as amended from time to time, and his leave account shall be credited with the earned leave as calculated under sub-rule (2).

Provided that where an employee is on sick leave, furlough or privilege leave on the appointed day, the same having been granted before that day, the leave salary in respect of such leave shall be regulated in accordance with the law in force at the time the leave was granted and the privilege leave or furlough taken on or after the appointed day shall be debited to the leave account, as earned leave, but the sick leave so taken shall not be debited to that account.

Explanation. — The proviso to this sub-rule shall not apply in respect of any extension of the leave sanctioned on or after the appointed day and such extension shall be regulated in accordance with the rules referred to above.

(2) Subject to the maximum of one hundred and eighty days, the following amount of earned leave

shall be credited to the leave account of an employee: —

(a) the privilege leave due to an employee on the appointed day reckoned at the rate of two and a half days for each month, less the privilege leave availed of by the employee during that period, plus

(b) three fourth of the furlough leave calculated at the rate of eighteen days for each completed year of service rendered during the period commencing from the date the employee last returned from furlough and ending immediately before the appointed day.

Provided that any fraction which may appear in the aggregate of (a) and (b) shall be ignored if it is less than half and shall be taken as one day in other cases.

6. **Pension.** — (1) As from the appointed day, every employee shall be governed by the Central Civil Services (Pension) Rules, 1972, as amended from time to time.

(2) Notwithstanding anything contained in sub-rule (1), an employee shall, subject to his paying contributions to the pension fund, as laid down under the Code, have the option to draw the pension in accordance with the provisions of the Code or any other law applicable to him on the appointed day.

Explanation I. — In the case of an employee who has exercised his option under this sub-rule, the personal pay, if any, shall be deemed to be the part of his basic pay for determining the amount of pension.

Explanation II. — Contribution made by an employee towards any pension fund under the Code or any other law relating to such contribution shall not be refunded to him irrespective of whether he exercised the option under this sub-rule or not.

(3) An employee who has exercised the option under sub-rule (2) shall not be entitled to any gratuity, death-cum-retirement gratuity or family pension under the rules referred in sub-rule (1) or to commute his pension but shall otherwise be governed by these rules except in so far as they relate to counting of service for pension and determination of the amount of pension.

(4) For the purposes of reckoning service for pension under the rules referred to in sub-rule (1), the leave availed of by an employee before the appointed day shall be treated as follows.

(a) Sick leave	as duty
(b) Privilege leave and furlough	as earned leave
(c) registered and unlimited leave	as extraordinary leave

(5) The equation, as provided in clauses (b) and (c) of sub-rule (4), shall apply in the case of an employee who has availed of the leave under the Revised Leave Rules, 1972 after the appointed day but counts his service under the Code or any other law by virtue of the option under sub-rule (2). Any other kind of leave availed of by such an employee after the appointed day shall count for the purpose of reckoning service for pension in accordance with such orders as the Administrator may make in this behalf.

(6) An employee who has superannuated on the appointed day and had not been confirmed on any of the posts held by him before superannuation shall be deemed to have been confirmed on the post to which he was initially appointed.

7. **Retirement and superannuation.** — As from the appointed day, an employee shall be governed by the Central Rules, in the matter of retirement and superannuation.

Provided that an employee, who, on the appointed day, has attained the age of superannuation under the Central Rules, shall be granted earned leave from that day equal to the amount of earned leave credited to his leave account under Rule 6 and he shall retire from service on the expiry of such leave;

Provided further that the earned leave which may be granted under the preceding proviso shall not extend beyond the date on which the employee attains the age of 65 years.

8. **Travelling Allowance.** — As from the appointed day, an employee shall draw travelling allowances in accordance with the Central Rules.

9. **Other Allowances.** — (1) An employee shall have the option to draw either the family allowance and house rent allowance in accordance with the law in force immediately before the appointed day or to draw the allowances and other benefits specified in sub-rule (2).

(2) An employee who does not opt for the family allowance and house rent allowance under sub-rule (1), may draw dearness allowance, house rent allowance, compensatory allowance, children educational allowance and reimbursement of tuition fees in accordance with the Central Rules and may avail of leave travel concession in accordance with the Central Rules relating to that concession.

10. **Personal pay not to count as pay in certain cases.** — Personal pay granted under rule 4 shall be counted as pay for the purposes of determining the amount of leave salary and, to the extent permissible under the relevant rules and orders, for determining the amount of pension but shall not be treated as pay for the purposes of dearness allowance, overtime allowance, travelling allowance and other form of compensatory allowances or for purposes of leave travel concession.

11. **Provident Fund.** — As from the appointed day an employee shall subscribe to the provident fund in accordance with the Central Rules.

12. **Exercise of Option.** — (1) The option under sub-rule (2) of rule 6 shall be exercised in writing and intimated to such authority, as may be specified by the Administrator, by order within six months from the commencement of these rules.

(2) The option once exercised shall be final.

13. **Daily rate employee.** — Rule 3 and 4 shall also apply to an employee who is in receipt of daily

wages and is paid on month to month basis immediately before the appointed day as they apply to other employees.

14. **Contract employees.** — An employee appointed under a contract shall continue to be governed by the terms and conditions of that contract until the expiry of the period thereof, and if the employee remains in service after the expiry of the contract the foregoing provisions shall apply to him as they generally apply to other employees subject to the modification that the appointed day for the purpose shall mean the day immediately following the date of expiry of the contract.

15. **Disciplinary proceedings.** — As from the appointed day, the Central Rules relating to disciplinary proceedings, shall mutatis mutandis, apply to the employees provided that any disciplinary proceeding pending against an employee on the appointed day shall be continued and disposed of in accordance with the law or rules under which it was started.

16. **Conditions of service in certain cases.** — All other Central Rules relating to the conditions of service for which no express provision has been made in these rules, shall mutatis mutandis, apply to the employees, as far as may be possible.

17. **Interpretation.** — If any question arises relating to the interpretation of any of the provisions of these rules, it shall be referred to the Administrator and his decision thereon shall be final.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 19th March, 1982.

SCHEDULE

Sr. No.	Designation of the Post	Revised designation	Present monthly pay as per group under E. F. U. (Rs.)	Present monthly interim relief (Rs.)	Total pay including I. R.	Revised pay scale proposed as per third pay commission (Rs.)	Fixation of Monthly pay as per third pay commission (Rs.)	All other allowances admissible to Govt. servants from time to time
1.	2	3	4	5	6	7	8	9
1.	Administrator	Administrator	(J) 833-33	—	833-33	650-30-740-35-810 -EB-35-880-40- -1000-EB-40-1200	900-00	Admissible
2.	Secretary	Head Clerk	(N) 483-33	175-00	658-33	425-15-500-EB-15- -560-20-700	700-00	— do —
3.	First Grade Assistant	U. D. C.	(Q) 366-66	175-00	541-66	330-10-380-EB-12- -500-EB-15-560	560-00	— do —
4.	Second Grade Assistant	U. D. C.	(R) 333-33	175-00	508-33	— do —	530-00	— do —
5.	Third Grade Assistant	U. D. C.	(S) 291-66	175-00	466-66	— do —	488-00	— do —
6.	First Grade Escrivao	U. D. C.	(Q) 366-66	175-00	541-66	— do —	560-00	— do —
7.	Second Grade Escrivao	U. D. C.	(R) 333-33	175-00	508-33	— do —	530-00	— do —
8.	Third Grade Escrivao	U. D. C.	(S) 291-66	175-00	466-66	— do —	488-00	— do —
9.	Recovery Clerk	L. D. C.	(U) 250-00	125-00	375-00	260-6-290-EB-6-326- -8-390-10-400	390-00	— do —
10.	Notification Clerk	L. D. C.	(X) 216-00	125-00	341-66	— do —	358-00	— do —
11.	Peon	Peon	(Z) 100-00	90-00	190-00	196-3-220-EB-232	196-00	— do —

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